

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**CATERPILLAR FINANCIAL
SERVICES CORPORATION**

PLAINTIFF

VS.

CIVIL ACTION NO. 1:22-cv-58-MPM-DAS

GEORGE RANDLE PRISOCK

DEFENDANT

ORDER AND DEFAULT JUDGMENT

Caterpillar Financial Services Corporation (“Cat Financial”) filed its Verified Complaint [Dkt. No. 1] in this Court on April 1, 2022, against George Randle Prisock, (“Prisock”) premising jurisdiction on diversity of citizenship. Cat Financial alleges that Defendant entered into a sales contract with Cat Financial for certain equipment, and that Defendant failed to pay for the equipment under the terms of the agreement. In its Complaint, Cat Financial seeks the immediate return of the equipment, damages for breach of contract, the recovery of any deficiency between the resale or lease of the equipment and the principal balance owed by Defendant, and attorney’s fees, costs, interest, and expenses.

Defendant failed to answer, and the Clerk of Court entered a default against Prisock on May 27, 2022 [Dkt. No. 9]. On July 12, 2022, Cat Financial filed a Motion for Default Judgment [Dkt. No. 12], which is presently before the Court for consideration. In that Motion, Cat Financial requests that the Court enter a judgment against Defendant in the amount of \$203,181.95. Since that time, the per diems have increased and accrued by \$6,046.84 as of December 28, 2022. In addition, Cat Financial is entitled to its fees and expenses of \$23,564.58 (*see* Exhibit “A,” Declaration in Support of Requested Attorney’s Fees and Costs, as supplemented by Supplement to Motion, Dkt. No. 32), bringing the total judgment amount to \$232,793.37. That amount is based on the amount owed at the time the Complaint was filed, the per diems, and fees and expenses that

have now been added. Cat Financial further requests that the Court order Prisock to return all of the equipment within seven business days. Cat Financial states that upon repossession and sale of the equipment it will credit Prisock for the amount of the sale and update the judgment roll accordingly.

It appears that all of the procedural requirements for an entry of default judgment have been met. Accordingly, the Court finds, pursuant to Rule 55 of the Federal Rules of Civil Procedure, that the Motion should be granted, and a default judgment should be entered against Prisock.

The Court hereby enters this DEFAULT JUDGMENT in Caterpillar Financial Services Corporation's favor, in the amount of \$232,793.37 and ORDERS Prisock to return the subject equipment, or allow the Plaintiff to access the equipment to retake possession, within seven days of the entry of this Order and Judgment. Further, from the date of entry of this Order, until such time as the equipment is returned, Prisock's obligations shall continue to increase and accrue in the amount of \$35.78 each day. It is further ordered that the Court shall retain jurisdiction for purposes of modifying and enforcing the Default Judgment, as necessary.

SO ORDERED AND ADJUDGED, on this the 9th day of JANUARY, 2023.


UNITED STATES DISTRICT JUDGE

Submitted By:

s/D. Sterling Kidd
Attorney for the Plaintiff